

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT McCURRY, et al.,

Plaintiffs,

VS.

JERALD SWANSON, et al.

Defendants.

CASE NO. 8:08CV448

RULE 68 OFFER OF JUDGMENT AGAINST THE CITY OF OMAHA

PURSUANT TO Federal Rule of Civil Procedure 68, the Defendant City of Omaha offers to allow judgment to be taken against it, without admitting any allegation, in favor of the Plaintiffs on the following terms, inclusive of all costs and attorney fees. The terms of this Offer are:

1. Judgment entered in favor of Christopher McCurry in the amount of \$2,500.00.
2. Judgment entered in favor of Melanie McCurry in the amount of \$2,500.00.
3. Judgment entered in favor of Robert McCurry in the amount of \$47,500.00.
4. Judgment of attorney fees entered in favor of Michael B. Kratville in the amount of \$32,500.00
5. Immediate and complete dismissal of all individual defendants in this action both in their official and individual capacity.

This offer is automatically withdrawn if not accepted in writing within 14 days of service. In accordance with Rule 68(d), if this offer is not accepted a failure to obtain a judgment more favorable than the terms offered will prevent recovery of certain costs, including attorney fees.

Dated this 20th day of December, 2011.

THE CITY OF OMAHA, Defendant

By s/Thomas O. Mumgaard
THOMAS O. MUMGAARD, No. 16004
Deputy City Attorney
804 Omaha/Douglas Civic Center
1819 Farnam Street
Omaha, NE 68183
Telephone: 402/444-5115
tom.mumgaard@ci.omaha.ne.us
Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of December, 2011, I served this **OFFER TO CONFESS JUDGMENT** by consensual email on Michael Kratville, Attorney for Plaintiff, at kratvillelaw@yahoo.com

s/Thomas O. Mumgaard